

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RHONDA KAY W.,

Plaintiff,

**5:21-cv-1387
(GLS/DEP)**

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

SUMMARY ORDER

Pending is plaintiff's objection to a Report and Recommendation (R&R), (Dkt. No. 18), which recommends that defendant Commissioner of Social Security's decision be affirmed, (Dkt. No. 17). The objection is two-fold: first, plaintiff contends that the R&R improperly concludes that the weight given to the opinion of a treating doctor was supported by substantial evidence, and, second, she argues that the R&R incorrectly concluded that the ALJ's determination of the weight given to the opinions of a physical therapist and physician's assistant was supported by substantial evidence. (Dkt. No. 18 at 1-3.)

The objection, which repeats the substance of arguments made in plaintiff's underlying brief, (Dkt. No. 7 at 16-25), that were rejected by the

magistrate judge, is general and triggers review for clear error only.¹ See *Atkins v. Colvin*, No. 6:13-CV-161, 2014 WL 4637090, at *2 (N.D.N.Y. Sept. 16, 2014) (citing *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *4 (N.D.N.Y. Jan. 18, 2006)).

Finding no clear error in the R&R, it is adopted in its entirety.

Accordingly, it is hereby

ORDERED that the Report and Recommendation (Dkt. No. 17) is **ADOPTED** in its entirety; and it is further

ORDERED that the Commissioner's motion for judgment on the pleadings (Dkt. No. 11) is **GRANTED**; and it is further

ORDERED that the plaintiff's motion for judgment on the pleadings (Dkt. No. 7) is **DENIED**; and it is further

ORDERED that the decision of the Commissioner is **AFFIRMED** and the complaint (Dkt. No. 1) is **DISMISSED**; and it is further

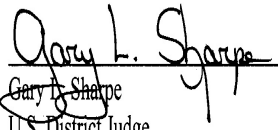
ORDERED that the Clerk close this case and provide a copy of this Summary Order to the parties in accordance with the Local Rules of

¹ Even if the court were to consider the objection under the de novo standard, it would reach the same conclusion that the ALJ's determination should be affirmed for substantially the same reasons the magistrate judge recited in his recommendation and because of the arguments advanced by the Commissioner in her response to the objection. (Dkt. Nos. 17, 19.)

Practice.

IT IS SO ORDERED.

March 30, 2023
Albany, New York



Gary L. Sharpe
U.S. District Judge